

Membership Balance Plan
Chief of Engineers Environmental Advisory Board

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, in accordance with the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Chief of Engineers Environmental Advisory Board (“the Board”) as a discretionary advisory committee.
2. Mission/Function: The Board shall provide independent advice and recommendations to the Secretary of Defense, through the Secretary of the Army, the Assistant Secretary of the Army (Civil Works), and the Chief of Engineers (United States Army Corps of Engineers), on matters relating to environmental and water resource management issues facing the United States Army Corps of Engineers (“the Corps”).
3. Points of View: The Board shall be composed of not more than 10 members, who are eminent authorities in the fields of natural (e.g., biology, ecology), social (e.g., anthropology, community planning), and related sciences. To the extent practical, the Board membership will include at least two members whose expertise is focused in the natural sciences, two members whose expertise is focused in the social sciences and two members whose expertise is focused in other related sciences. Individual members’ experience and qualifications may be based in academia, nongovernment organizations, Federal or local governments, or private industry.

Members of the Board who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 101-3.130(a) to serve as regular government employee (RGE) members. The DoD, unless otherwise provided for by statute or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

The DoD, in selecting potential candidates for the Board, reviews the educational, experiential, and professional credentials of individuals and bases its selection on this review and the subject matters expected to be handled by the Board. The Department has found that viewing the complex environmental issues facing the Army through a multidisciplinary advisory committee provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions.

Membership will be fairly balanced in terms of points of view represented and the functions to be performed by the Board. The Board’s membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the Board’s Sponsor.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Board, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest.

4. Other Balance Factors: A mix of experts specializing in ecosystem functions, cultural resources, social interactions, the physical environment, and the dynamic interactions of these components of the human environment is critical. It is also important to have representatives with knowledge and/or experience from most of the major ecological regions of the country.

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5. Candidate Identification Process: The DoD, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals with extensive professional experience in the points of view described above. Potential candidates may be identified to fill vacancies by the Board's staff, current or past Board members, senior environmental scientists of the Corps and other agencies, academicians, and senior Corps officials.

Once several highly qualified potential candidates are identified, the Board's Designated Federal Officer (DFO), in consultation with the Board's Chair and not less than three senior environmental scientists from the Corps, will review the educational and professional credentials of each individual relative to the subject matters that are likely to be considered by the Board and narrow the list of potential candidates. A Corps Ethics Counselor will also conduct an initial screening of the financial disclosure reports (OGE Form 450) of the potential candidates for possible conflicts of interests, as appropriate. Following these reviews the DFO will forward a balanced list of potential candidates to the Secretary of the Army through the Assistant Secretary of Army for Civil Works. The Secretary of the Army will verify the balance between the educational and professional credentials of the individual candidates, and the subject matters that are likely to be considered by the Board.

Prior to consideration by the Secretary of Defense or the Deputy Secretary of Defense, the list of candidates undergoes a review by the Office of General Counsel of the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Board's charter and membership balance plan. Following this review, the Secretary of the Army discusses his or her potential nominees with the Secretary of Defense or the Deputy Secretary of Defense and requests authorization to proceed with the appointments. Pursuant to DoD policy, only the Secretary or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees.

The appointment of Board members will be authorized by the Secretary of Defense or the Deputy Secretary of Defense, and administratively certified by the Secretary of the Army in accordance with DoD policies and procedures. Following Secretary of Defense or Deputy Secretary of Defense authorization, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

The Secretary of the Army has the delegated authority to administratively certify the appointment of Board members that were previously authorized by the Secretary of Defense or the Deputy Secretary of Defense. Consistent with authority delegated to DoD Sponsors, the Secretary of the Army will appoint the Board's Chair and Vice Chair from among the membership previously appointed to the Board in accordance with DoD policies and procedures. Board members will be appointed for a term of service of one-to-four years and their appointments will be renewed on an annual basis. No member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service on the Board, including its subcommittees, or serve on more than two DoD federal advisory committees at one time.

Board and subcommittee member vacancies will be filled in the same manner as described in the previous five paragraphs above.

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6. Subcommittee Balance: The DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board.

Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration. Pursuant to Secretary of Defense policy, the Secretary of the Army is authorized to administratively certify the appointment of subcommittee members if the Secretary of Defense or the Deputy Secretary of Defense has previously authorized the individual's appointment to the Board or another DoD advisory committee. If the Secretary of Defense or the Deputy Secretary of Defense has not previously authorized the appointment of the individual to the Board or another DoD advisory committee, then the individual's subcommittee appointment must first be authorized by the Secretary of Defense or the Deputy Secretary of Defense and subsequently administratively certified by the Secretary of the Army.

Subcommittee members, with the authorization of the Secretary of Defense or the Deputy Secretary of Defense, will be appointed for a term of service of one-to-four years, subject to annual renewals. Subcommittee members, if not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 101-3.130(a) to serve as RGE members.

The Secretary of the Army has the delegated authority to appoint the Chair of any appropriately approved subcommittee from among the subcommittee membership previously appointed in accordance with DoD policies and procedures, and in doing so, will determine the term or service, which will not exceed the member's approved term of service.

7. Other: As nominees are considered for appointment to the Board, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committee, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: June 6, 2016